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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 RKF RETAIL HOLDINGS, LLC,)
9 Plaintiff,) Case No. 2:14-cv-01232-APG-GWF
10 vs.)
11 TROPICANA LAS VEGAS, INC.,)
12 Defendant.)
13 RKF RETAIL HOLDINGS, LLC,)
14 Plaintiff,)
15 vs.)
16 EASTERN REAL ESTATE LLC,)
17 Defendant.)
18

ORDER

19 This matter is before the Defendant Tropicana Las Vegas, Inc.'s ("Defendant") Motion to File
20 Under Seal Certain Exhibits to Motion for Summary Judgment (ECF No. 66), filed on November 4,
21 2016.
22 There is generally "a strong presumption in favor of access to court records." *Foltz v. State*
23 *Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). Where a petitioner seeks to seal
24 documents or exhibits that are dispositive in nature, the petitioner must meet the higher standard of
25 showing "compelling reasons" for the documents to be sealed. *Pintos v. Pac. Creditors Ass'n*, 565
26 F.3d 1106, 1115 n. 4 (9th Cir. 2009); *Kamakana v. City and County of Honolulu*, 447 F.3d 1172,
27 1178 (9th Cir. 2006). The Court applies the higher "compelling reasons" standard to dispositive
28 motions, rather than the "good cause" standard, because "the resolution of a dispute on the merits,

1 whether by trial or summary judgment, is at the heart of the interest in ensuring the ‘public’s
 2 understanding of the judicial process and of significant public events.” *Dish Network L.L. C. v.*
 3 *Sonicview USA, Inc.*, 2009 WL 2224596, *6 (S.D.Cal. July 23,2009) (citing *Kamakana*, 447 F.3d at
 4 1179).

5 To meet the compelling reasons standard, the moving party “must overcome a strong
 6 presumption of access by showing that compelling reasons supported by specific factual findings
 7 outweigh the general history of access and the public policies favoring disclosure.” *Dish Network*
 8 *L.L.C.*, 2009 WL 2224596 at *7 (citing *Pintos*, 565 F.3d at 1116); *see also Kamakana*, 447 F.3d at
 9 1179–80. “Under the ‘compelling reasons’ standard, a district court must weigh relevant factors, base
 10 its decision on a compelling reason, and articulate a factual basis for its ruling without relying on
 11 hypothesis or conjecture.” *Id.* “Relevant factors include the public interest in understanding the
 12 judicial process and whether disclosure of the material could result in improper use of the material for
 13 scandalous or libelous purposes or infringement upon trade secrets.” *Id.*

14 The Court finds that Defendant has not met its burden here. Defendant seeks to file its motion
 15 for summary judgment under seal pursuant to the Protective Order (ECF No. 28) filed on November
 16 9, 2015. Defendant represents that the Exhibits its seeks to seal are documents produced by Plaintiff
 17 and a non-party who contend that they contain “sensitive, commercial information subject to
 18 protection under the Protective Order.” *Motion to Seal* (ECF No. 66), 3:18. However, this bare
 19 bones explanation as to why these documents are confidential does not justify an order from the Court
 20 sealing Exhibits A, F, G, J, and L of Defendant’s motion for summary judgment. Accordingly,

21 **IT IS HEREBY ORDERED** that Defendant Tropicana Las Vegas, Inc.’s Motion to File
 22 Under Seal Certain Exhibits to Motion for Summary Judgment (ECF No. 66) is **denied without**
 23 **prejudice**. Defendant may file a revised motion that provides the Court with sufficient “compelling
 24 reasons” to justify its request.

25 DATED this 7th day of November, 2016.

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 28 GEORGE FOLEY, JR.
 United States Magistrate Judge